

United States District Court

NORTHERN DISTRICT OF GEORGIA

UNITED STATES OF AMERICA

v.

ELIJAH WAFER

CRIMINAL COMPLAINT

Case Number: 1:22-MJ-862

UNDER SEAL

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. Between in on or about April 2022 and August 2022 in Fulton and Cobb Counties, in the Northern District of Georgia, defendant did, make and possess counterfeit securities (i.e., counterfeit checks) and attempt to and conspiracy to commit bank fraud.

in violation of Title 18, United States Code, Sections 513(a), and 1344 & 1349.

I further state that I am a(n) United States Postal Inspector and that this complaint is based on the following facts:

PLEASE SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof. Yes

Signature of Complainant
Keith L. Speers

Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it. Sworn to me by telephone pursuant to Federal Rule of Criminal Procedure 4.1.

October 13, 2022

Date

at Atlanta, Georgia

City and State

CHRISTOPHER C. BLY

UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

AUSA Alex R. Sistla / 2022R00718

alex.sistla@usdoj.gov

Signature of Judicial Officer

I, Keith L. Speers, depose and say under penalty of perjury as follows:

Agent Experience

1. I am an Inspector with the United States Postal Inspection Service (USPIS) as defined in 18 U.S.C. § 3061, assigned to the Atlanta Division. I have been so employed since August 2013. Prior to federal civilian service, I worked as a military officer for five years. I hold a Masters of Arts degree from American Military University in Criminal Justice. I completed a twelve-week federal law enforcement basic training course in Potomac, Maryland. As a United States Postal Inspector, I am authorized to investigate violations of the laws of the United States and am a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

2. As part of my duties as a United States Postal Inspector, I investigate criminal violations relating to bank fraud, mail fraud, wire fraud, access device fraud, identity theft, and related offenses.

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information I obtained from various law enforcement agents and others. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included in this affidavit every detail of the investigation. Rather, I have set forth facts that I believe are sufficient to establish probable cause for the issuance of the requested search warrant. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

4. Based on the facts set forth in this affidavit, probable cause exists to believe Elijah WAFER and others unknown committed violations 18 U.S.C. § 513(a) (make and possess

counterfeit securities) and 18 U.S.C. §§ 1344 & 1349 (attempt to and conspiracy to commit bank fraud).

5. On April 28, 2022, USPS clerk A.J. at the East Atlanta Post Office, located at 1273 Metropolitan Ave SE, Atlanta, GA, reported to Inspectors witnessing a black male standing about 5'11" and wearing USPS pants and a white t-shirt drive up to the USPS blue collection box outside the Post Office and open same with a USPS key or counterfeit thereof.¹ This black male, who A.J. did not recognize as a USPS employee, proceeded to steal the collected mail, and flee in a black Mercedes Benz wide-body sedan with drive-out tags.²

6. On May 19, 2022, USPS employee S.E. reported seeing a slim, black man who was approximately 5'11" arriving at the East Atlanta Post Office wearing a full USPS carrier uniform but driving a gray or Silver Dodge Charger. The man, who S.E. did not recognize as a USPS employee, opened the same blue collection box with a key and removed mail before departing in the Dodge Charger. S.E. was not able to see a tag on the vehicle during this incident.

7. On July 29, 2022, S.E. and USPS supervisor A.C. saw a slim black male who was approximately 5'11" or 6' tall again arrive at the East Atlanta Post Office, but this time he was driving a silver/blue BMW 330 bearing Georgia license plate TBD5038. The black male was wearing a full USPS carrier's uniform. He again used a key to open the same blue collection box and fled with mail. A.C. advised Inspectors that the black male looked to be in his early twenties.

¹ USPS "arrow" keys are uniquely shaped and labeled as USPS property. They allow access to blue collection boxes and cluster-type boxes in neighborhoods and apartment complexes. In some areas they allow access to gated communities for the purpose of mail delivery.

² A "drive-out" tag is common law enforcement parlance for the paper tag attached to a newly purchased vehicle for when it "drives-out" from a car dealership. The owner then has to go to a tag office to obtain a permanent license plate.

8. I obtained registration information for the BMW with the Georgia license plate TBD5038 and learned that it was registered to both L.T. and K.M. (female names) at 1500 Walton Reserve Blvd Apt 2205, Austell, GA. I researched 1500 Walton Reserve Blvd Apt 2205, Austell, GA in public records and observed that Elijah WAFER appeared to be a resident there as well. I requested a Georgia Driver's Services record on WAFER and learned that on July 26, 2022 he was issued a Georgia Identification Card listing 1500 Walton Reserve Blvd Apt 2205, Austell, GA as his address of record. WAFER's date of birth is July 28, 1997, which would make him 25 years old. His height was listed at 5'11" and his weight as 160 pounds.

9. I requested a sequential, photographic line-up including WAFER. On August 5, 2022, I presented the six-person sequential line-up to the three USPS employee witnesses. S.E. pulled aside WAFER's picture but was not comfortable making an identification, but A.J. and A.C. both selected WAFER out of the line-up. In terms of the certainty of their identifications, A.J. described his/her certainty as pretty certain but "not 100%" and A.C. termed his/her certainty as "pretty sure."

10. I ran a criminal history inquiry on WAFER and learned that he is currently a probationer with the Georgia Department of Community Supervision and has prior convictions for:

- a. Financial Transaction Card Fraud/ Douglas County, GA/ 2017
- b. Forgery/ Douglas County, GA/ 2017
- c. Shoplifting/ East Point, GA/ 2018
- d. Giving False Name, Birthdate, or Address to Law Enforcement/ Harris County, GA/ 2018
- e. Fleeing or Eluding/ Gwinnett County/ 2018

f. Giving False Name, Birthdate, or Address to Law Enforcement/ Henry County, GA/ 2019.³

11. I then ran the tag TBD5038 in the Vigilant License Plate Reader (LPR) system. I observed that TBD5038 has been detected in the parking lot around the 1500 Walton Reserve Blvd Apt 2205, Austell, GA 28 times between June 14, 2021 and July 12, 2022. Additional detections for the tag were found through August 3, 2022 on Riverside Parkway and Thornton road, which are the surface streets immediately outside of the apartment complex.

12. I am aware that since October 2021, Postal Inspectors in metro Atlanta have responded to 8 armed robberies or attempted robberies with firearms for USPS keys or attempts thereof and numerous other incidents of carriers reporting solicitation by individuals to purchase their keys. I am also aware that keys are actively for sale on dark web marketplaces to allow suspects to gain access to mail, primarily for the purposes of making counterfeit copies of checks recovered from mail.

13. On August 8, 2022, I drove by the 1500 Walton Reserve Blvd Apt 2205, Austell, GA. and saw the BMW bearing TBD5038 parked outside of 1500 Walton Reserve Blvd Apt 2205, Austell, GA.

14. On August 10, 2022, I applied for and received a federal search warrant for 1500 Walton Reserve Blvd. Apt. 2205, Austell, GA from the Honorable John K. Larkins, III, United States Magistrate Judge, Northern District of Georgia (1:22-mc-1437 (Under Seal)).

³ While his felony conviction is limited to financial transaction card fraud for which he received first offender treatment under the state of Georgia's laws, he is on probation for that offense and is prohibited from possession or carriage of weapons or ammunition

15. On August 11, 2022, Postal Inspectors and other law enforcement executed the federal search warrant at the 1500 Walton Reserve Blvd Apt 2205, Austell, GA. Before agents entered 1500 Walton Reserve Blvd Apt 2205, Austell, GA, WAFER was observed driving away from the scene in the BMW bearing Georgia Tag TBD5038 (the same BMW discussed above in ¶¶ 7, 8, 11, 13). As detailed below, law enforcement eventually stopped WAFER approximately 15 miles away from 1500 Walton Reserve Blvd Apt 2205, Austell, GA.

16. During the execution of the search warrant, law enforcement observed the following in plain view in a bedroom that appeared to be used by WAFER:⁴

- a. dozens of checks in various payor and payee names (none of whom appeared to be residents/occupants of 1500 Walton Reserve Blvd Apt 2205, Austell, GA), found primarily under the mattress and in a bag next to the bed;
- b. blank checks and checks in various stages of washing or counterfeiting in one of the bedrooms;
- c. a printer;
- d. deposit slips in various names and photo identification cards in various names;
- e. and a notebook with personal identifying information (*e.g.*, Social Security numbers).

17. After executing the search warrant, agents determined they had recovered over 250 checks, totaling \$175,801.84. Law enforcement subsequently contacted more than 150 individuals and entities who were the payers (or remitters) identified on the checks who indicated that the

⁴ 1500 Walton Reserve Blvd Apt 2205, Austell, GA had two bedrooms and the items identified in Paragraphs 16 and 17 were all found in the same bedroom. I believe this was WAFER's bedroom because his social security card was located there, as well as male clothing. No other males appear to reside at 1500 Walton Reserve Blvd Apt 2205, Austell, GA.

checks had been sent by mail from 15 different United States Post Offices from metro Atlanta. None of the victims gave WAFER permission to have their checks. None of the victims knew WAFER's name and agents observed checks that appeared to have been washed or in the process of being washed, the vast majority of which the name of the issuing bank or credit union was readily visible.

18. Two computers and six cellular phones were also found in the same bedroom believed to be used WAFER.⁵ In my training and experience, computers are necessary to produce fraudulent checks based on stolen exemplars, as well as typically used to obtain unlawfully obtain personal identifying information from websites on the "Dark Web." The presence of six cellular telephones is suggestive that they are being used, at a minimum as "burner phones," which in my training and experience is evidence that others are involved in the criminal activity under investigation. In addition, given the make and model of these cellular telephones (*i.e.*, Apple iPhones and LG and Samsung phones smartphones, they can access the Internet, and given my training and experience, are routinely used to obtain personal identifying information, execute fraudulent banking transactions, obtain directions to banks, post offices, or other places of interests, as well as communicate with co-conspirators using via both SMS (or text) messages and encrypted messaging Apps, such as WhatsApp or Telegram. Given the presence of the items identified in Paragraph 16 located at 1500 Walton Reserve Blvd Apt 2205, Austell, GA, I applied for and received a federal search warrant on August 11, 2022 for these 8 electronic devices from

⁵ The eight electronic devices were: (i) gray iPhone bearing IMEI 357988058004206; (ii) gold iPhone IMEI 013989005366884; (iii) black LG cell phone with no visible serial number; (iv) black LG cell phone with no visible serial number and a cracked screen; (v) black Samsung cell phone with a cracked screen and FCCID A3LSMG550T; (vi) black iPhone with no visible serial number; (vii) Apple laptop bearing SN C02L559GF5V7; and (viii) black Toshiba laptop bearing SN 7B3316K.

the Honorable John K. Larkins, III, United States Magistrate Judge, Northern District of Georgia (1:22-mc-1448 (Under Seal)).

19. As part of reviewing the contents on these electronic devices, law enforcement determined on or about September 27, 2022 that Versacheck check-writing software was on the Toshiba laptop. I noted that at least 38 checks totaling \$984,451.14 had been manufactured or prepared for manufacture using the software. I determined this by reviewing spreadsheets produced by the software that contain the data for checks such as payee name and address, amount, account number, date, and check number.

20. As noted above, law enforcement observed WAFER leave in the same BMW that was seen at the theft from the East Atlanta Post Office just prior to the execution of the search warrant. Agents determined that the identification of WAFER by two Postal employees, his and his presence in the vehicle that was present at the thefts formed a reasonable suspicion to detain and question WAFER. Agents relayed to Cobb County Police for assistance in detaining the vehicle. The local officers were informed that the subject was not charged but was wanted for questioning upon leaving the scene of the search warrant. When WAFER departed Cobb into Fulton County, the request was relayed to Georgia State Police who were able to assist and eventually conducted a *Terry* stop of WAFER's vehicle. WAFER was subsequently detained and questioned by law enforcement. The stop occurred near the intersection of Central Avenue and Memorial Drive in Atlanta, GA. This location is roughly 14 miles from 1500 Walton Reserve. Wafer was subsequently detained and questioned by law enforcement.

21. After removing WAFER from the vehicle, WAFER told law enforcement that there was a firearm in the bag around his torso; a Smith and Wesson handgun was then recovered from the bag. WAFER also agreed to be interviewed by Inspector Jonathon Banks, and after being

advised of his *Miranda* rights, WAFER admitted, as relevant here, to knowing that a man by the name of “Emanuel” illegally possesses a USPS arrow key (the type of key used to open the blue collection boxes). With respect to the checks found at 1500 Walton Reserve Blvd Apt 2205, Austell, GA, WAFER only stated that they were in the possession of his girlfriend’s brother. Based on the search of the Target Premises, there was no indication that this brother resided at 1500 Walton Reserve Blvd Apt 2205, Austell, GA.

22. Additionally, Postal Inspectors on scene detected a strong odor of marijuana from the BMW that WAFER was driving and proceeded to search the vehicle. They did not observe or recover any marijuana but did find two pieces of mail that appeared to have been freshly deposited in a USPS blue collection box and were not mailed to or from WAFER.⁶ In addition, agents recovered another cellular phone that appeared to belong to WAFER in the driver’s seat. WAFER was the only occupant of the vehicle. WAFER was then turned over to the Atlanta Police Department for booking for being in possession of a firearm by a first offender in violation of Georgia state law.

Conclusion

20. There is probable cause to believe Elijah WAFER committed violations of 18 U.S.C. § 513(a) (manufacture and possession of counterfeit securities) and 18 U.S.C. §§ 1344 & 1349 (attempted bank fraud).

⁶ The mail appears freshly deposited as in the envelopes appeared crisp as though they had not been processed through USPS machinery nor was the postage cancelled.